Order

Entered: December 30, 2003

Maura D. Corrigan,
Chief Justice

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Clifford W. Taylor
Robert P. Young, Jr.
Stephen J. Markman,
Justices

ADM File No. 2002-13

Amendment of Rule 3.210
of the Michigan Court Rules

On order of the Court, notice of a proposed amendment of Rule 3.210 of the Michigan Court Rules was published for comment at 467 Mich 1229-1230 (2003), and the matter was on the agenda of the public hearing held at the Michigan Hall of Justice on June 19, 2003. Consideration having been given to the comments received, the following amendment of Rule 3.210 is adopted, effective May 1, 2004.

[Additions are indicated below by underlining]

Rule 3.210   Hearings and Trials

(A) - (B)   [Unchanged.]

(C)   Custody of a Minor.

(1) - (4)   [Unchanged.]

(5)   The court may interview the child privately to determine if the child is of sufficient age to express a preference regarding custody, and, if so, the reasonable preference of the child. The court shall focus the interview on these determinations, and the information received shall be applied only to the reasonable preference factor.

(5) - (7)   [Renumbered (6) - (8), but otherwise unchanged.]

(D)   [Unchanged.]

Staff Comment: Coincident with its order of partial affirmance and remand in *Molloy v Molloy*, 466 Mich 852 (2002), the Supreme Court opened an administrative file to examine the extent to which, and the procedures by which, *in camera* testimony may be taken from children in custody cases. The adoption of subrule (C)(5) on December 30, 2003, effective May 1, 2004, clarified that the interview is to focus on the child's custodial preference and that the information received may be applied only to that factor. The staff comment is not an authoritative construction by the Court.

I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

December 30 , 2003

Clerk